IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 24 OF 2005

SHRI MAHESH MAYEKAR,VASCO ....Appellant

Versus

STATE ....Respondent

Mr. Arun Bras De Sa ,Advocate for the Appellant.
Mr. C. A. Ferreira, Public Prosecutor for the State/Respondent.

Coram:- N. A. BRITTO, J.

Date:- 11th January, 2007

P.C.:-

Heard Mr. Arun Bras De Sa, the learned Counsel appearing on behalf of the appellant/accused and Mr. C. A. Ferreira, the learned Public Prosecutor appearing on behalf of the State/Respondent.

The appellant/accused was tried under Sections 354, 376 r/w 511 I.P.C. and has been convicted and sentenced under Sections 354, 506(1) I.P.C. by the learned Adhoc Assistant Sessions Judge, Fast Track Court-II, Margao.

Against the said conviction and sentence the present appeal has been filed. In terms of sub-section(3) of Section 374 of the Code of Criminal Procedure, 1973, an appeal against conviction by a Metropolitan Magistrate or Assistant Sessions Judge or Magistrate of the First Class or of the Second Class lies to the Court of Sessions. In other words, the present appeal ought to have been filed before the Court of Sessions.

The memorandum of appeal along with the annexures shall therefore be returned to the appellant/accused/learned Counsel on behalf of the appellant to be presented before the Sessions Court, Margao and in case the same is presented within a period of 15 days after the same is returned to the appellant/accused, the same shall be disposed of by the Court of Sessions in accordance with law. The memorandum of appeal

along with the annexures to be returned within a period of 15 days.

The appeal shall stand disposed of accordingly. The bail granted shall continue to remain in force until the disposal of the appeal.

N. A. BRITTO, J.

RD.